

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

BPMC No. 17-315

IN THE MATTER
OF
JANET ARNOLD, M.D.

COMMISSIONER'S
ORDER OF
SUMMARY
ACTION

TO: JANET ARNOLD, M.D.
[REDACTED]

The undersigned, Howard A. Zucker, M.D., J.D., Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the state of Washington, has made a finding substantially equivalent to a finding that the practice of medicine by JANET ARNOLD, M.D, license number 172865. (the Respondent) in that jurisdiction constitutes an imminent danger to the health of its people, as is more fully set forth in the May 31, 2017 Ex Parte Order of Summary Suspension and supporting documents, of the State of Washington Medical Quality Assurance Commission (henceforth: "predicate action"), attached hereto as Appendix "A" and made a part hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law §230(12)(b), that effective immediately, Respondent shall not practice medicine in the State of New York, or practice in any setting under the authority of Respondent's New York license.

Any practice of medicine in violation of this Order
shall constitute Professional Misconduct within the
meaning of N.Y. Educ. Law §6530(29) and may
constitute unauthorized medical practice, a Felony
defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty days after the final conclusion of the disciplinary proceeding in the predicate action. The hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230, and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Hearing or Notice of Referral Proceeding to be provided to the Respondent after the final conclusion of the proceeding in the predicate action. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

Respondent shall notify the Director of the Office
of Professional Medical Conduct, New York State
Department of Health, Riverview Center, 150
Broadway, Suite 355, Albany, New York 12204-
2719 via Certified Mail, Return Receipt
Requested, of the final conclusion of the
proceeding in the predicate action, immediately
upon such conclusion.

THE NEW YORK PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT YOUR LICENSE TO PRACTICE
MEDICINE IN NEW YORK STATE BE REVOKED OR
SUSPENDED, AND/OR THAT YOU BE FINED OR
SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW
YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED

TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN
THIS MATTER.

DATED: October 23, 2017
Albany, New York

[REDACTED]
Howard A. Zucker, M.D., J.D.
Commissioner of Health
New York State Department of Health

Inquiries should be directed to:

Ian H. Silverman
Associate Counsel
N.Y.S. Department of Health
Division of Legal Affairs

APPENDIX "A"

STATE OF WASHINGTON
MEDICAL QUALITY ASSURANCE COMMISSION

In the Matter of the License to Practice
as a Physician and Surgeon of

Master Case No. M2015-633

JANET S. ARNOLD, MD
License No. MD00025273

EX PARTE ORDER OF SUMMARY
SUSPENSION

Respondent.

COMMISSION PANEL: Charlotte Lewis, M.D., Chair
Mark Johnson, M.D.
Michael Concannon, Public Member

PRESIDING OFFICER: John F. Kuntz, Review Judge

This matter came before the Medical Quality Assurance Commission (Commission) on May 31, 2017, on an Ex Parte Motion for Summary Action (Ex Parte Motion) brought by the Office of the Attorney General. The Commission issued a Statement of Charges alleging Respondent violated RCW 18.130.180(4), (6), (7), and (10), RCW 69.50.308(h), 21 C.F.R. § 1301.71(a), and with respect to Pain Management, WAC 246-919-863 through 858, and 860. After reviewing the Statement of Charges, Ex Parte Motion, and supporting evidence, the Commission grants the Ex Parte Motion. Respondent's license to practice as a physician and surgeon is SUMMARILY SUSPENDED pending further action.

I. FINDINGS OF FACT

1.1 JANET S. ARNOLD, (Respondent), is a physician and surgeon licensed by the state of Washington at all times applicable to this matter.

1.2 The Commission issued a Statement of Charges alleging Respondent violated RCW 18.130.180(4), (6), (7), and (10), RCW 69.50.308(h), 21 C.F.R. § 1301.71(a), and with respect to Pain Management, WAC 246-919-863 through

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858, and WAC 246-919-860. The Statement of Charges was accompanied by all other documents required by WAC 246-11-250.

1.3 As set forth in the allegations in the Statement of Charges, as well as the Ex Parte Motion, Respondent's pattern of practicing beyond the scope of her skills and abilities demonstrates a complete disregard for the standard of care and raises serious concerns for public safety. Respondent's continued prescribing of excessive quantities and doses of controlled substances and her incompetent management of other patient health issues further creates an unreasonable and imminent risk of patient harm or death.

1.4 Respondent made little if any effort to examine, diagnose, treat, test, or monitor patients with chronic non-cancer pain, anxiety, and other issues that were treated with controlled substances.

1.5 Respondent violated standards of care with respect to treating and prescribing to Patients A through W for chronic non-cancer pain. Respondent frequently wrote prescriptions for Schedule II through V controlled substances in large quantities and in combinations of lethal doses. Review of PMP reports for Respondent's patients reveals indiscriminate prescribing of Schedule II and III opioid medication. The prescribed medication quantities strongly suggest drug diversion and demonstrate Respondent's deficient pain management skills and lack of awareness of drug stockpiling, misuse, or abuse by patients.

1.6 Many of Respondent's chronic pain patients presented with additional serious health issues; and Respondent served as the primary care provider for numerous of her patients. Respondent's clinical management of those issues was consistently incompetent. Respondent failed to perform adequate physical examinations, she failed to

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obtain and refer to standard clinical tests, she failed to refer patients to appropriate specialists, she failed to coordinate care with other providers when they existed, she failed to document treatment plans, and she failed to perform routine assessments of patients at follow up appointments.

1.7 The above allegations, supported by the Declaration of Commission Investigator in Support of Motion for Summary Action, the Declaration of Dr. Leslie Enzian, and the attached exhibits, justify the determination of immediate danger in this case and a decision to immediately summarily suspend Respondent's license.

II. CONCLUSIONS OF LAW

2.1 The Commission has jurisdiction over Respondent's credential to practice as a physician and surgeon. RCW 18.130.040.

2.2 The Commission has authority to take emergency adjudicative action to address an immediate danger to the public health, safety, or welfare. RCW 34.05.422(4); RCW 34.05.479; RCW 18.130.050(8); and WAC 246-11-300.

2.3 The Findings of Fact establish the existence of an immediate danger to the public health, safety, or welfare if Respondent has an unrestricted credential. The Findings of Fact establish that the requested summary action is necessary and adequately addresses the danger to the public health, safety, or welfare.

III. ORDER

3.1 Based on the Findings of Fact and the Conclusions of Law, it is ORDERED that Respondent's license to practice as a physician and surgeon is SUMMARILY SUSPENDED pending further disciplinary proceedings by the Commission.

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3.2 Respondent must mail or email to all patients treated within the past twelve (12) months a Commission-approved notice informing patients of the Commission's actions and providing names of at least two other providers who patients can be referred to for ongoing care of conditions that Respondent is prohibited from providing.

3.3 It is HEREBY ORDERED that a protective order in this case is GRANTED. RCW 34.05.446(1) and WAC 246-11-400(2) and (5). This Protective Order prohibits the release of health care information outside of these proceedings. Unless required by law, anyone involved in these proceedings must keep confidential and not disclose health care information obtained through these proceedings. Health care information includes information in any form "that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care." RCW 70.02.010(16). The parties may share the information with their attorney, if any.

DATED this 31st day of May, 2017.

[REDACTED]
CHARLOTTE LEWIS, M.D.
Panel Chair

For more information, visit our Web site at <http://www.doh.wa.gov/hearings>

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